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Elimination of racism, racial discrimination, xenophobia and related intolerance: elimination of racism, racial discrimination, xenophobia and related intolerance

Contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, prepared pursuant to Assembly resolutions 70/139 and 70/140.

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Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Summary

The present report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance is submitted to the General Assembly pursuant to its resolution 70/139 on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and to resolution 70/140. In resolution 70/139, the Assembly requested the Special Rapporteur to prepare a report on the implementation of the resolution, based on views collected from Governments and non-governmental organizations, for submission at its seventy-first session.

The report contains a brief introduction to the content of resolution 70/139, a summary of the contributions sent by 11 Member States on the implementation of the resolution, including the views of non-governmental and other organizations pertaining to the resolution, and a number of conclusions and recommendations.

I. Introduction

1. The present report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance is submitted pursuant to General Assembly resolution 70/139, entitled "Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance", and to Assembly resolution 70/140.

2. Concerned by the spread of extremist political parties, movements and groups in many parts of the world, including neo-Nazis and skinhead groups and similar extremist ideological movements, which has led to an increasing number of acts of racially based violence and mounting hate speech in the public sphere, as previously reported by the Special Rapporteur (see A/HRC/32/49 and A/70/321), the General Assembly recalled, in its resolution 70/139, the request of the Commission on Human Rights, in its resolution 2005/5, that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account the views of Governments and non-governmental organizations. In the same resolution, the Assembly also requested the Special Rapporteur to prepare, for submission at its seventy-first session and for submission to the Human Rights Council at its thirty-second session, reports on the implementation of the resolution based on the views collected in accordance with the above-mentioned request of the Commission on Human Rights.

3. In its resolution 70/139, the General Assembly emphasized the recommendation of the Special Rapporteur that "any commemorative celebration of the Nazi regime, its allies and related organizations, whether official or unofficial, should be prohibited by States", and stressed that it is important that States take measures, in accordance with international human rights law, to counteract any celebration of the Nazi SS organization and all its integral parts, including the Waffen SS. The Assembly also expressed concern about recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and urged States to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949.

4. In the same resolution the General Assembly also noted with concern the increase in the number of racist incidents worldwide, including the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting, inter alia, persons belonging to national, ethnic, religious or linguistic minorities. The Assembly also condemned without reservation any denial or attempt to deny the Holocaust, welcomed the call of the Special Rapporteur for the active preservation of those Holocaust sites that served as Nazi death camps, concentration and forced labour camps and prisons, as well as his encouragement of States to take measures, including legislative, law enforcement and educational measures, to put an end to all forms of Holocaust denial and called upon States to continue to take adequate steps, including through national legislation, in accordance with international human rights law, aimed at the prevention of hate speech and incitement to violence against persons belonging to vulnerable groups.

5. In accordance with the practice established in previous reports, the Special Rapporteur presents herein a summary of the information received on relevant activities undertaken by Member States pursuant to General Assembly resolution 70/139. In preparing the report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a note verbale on 15 March 2016 to Member States and a letter to non-governmental organizations requesting information on the implementation of the resolution. By 30 June 2016, replies had been received from Argentina, Cuba, Germany, Italy, Kuwait, Morocco, Paraguay, the Russian Federation, Saudi Arabia, Senegal and Trinidad and Tobago. The Special Rapporteur also received submissions from the World Veterans Federation, the Organization of the Jews in Bulgaria, the Latvian Anti-Nazi Committee and the Latvian Human Rights Committee.[1] The Special Rapporteur wishes to thank all those who contributed information for the present report, and regrets not being able to consider submissions received after 30 June 2016.

6. The information received is summarized herein, as requested in paragraph 43 of resolution 70/139.

II. Contributions received from Member States

A. Argentina

7. The Government of Argentina made reference to several initiatives undertaken to combat the glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including the role of the Ministry of Justice and Human Rights and the National Institute to Combat Discrimination, Xenophobia and Racism, particularly their efforts in implementing the National Plan against Discrimination.

8. The Government highlighted the various activities carried out by the National Institute to Combat against Discrimination, Xenophobia and Racism to accomplish its task, in particular the work of the Interculturalism Unit of the Directorate for the Promotion and Development of Anti-Discrimination Practices. The Unit, which was established in 2011, deals with the specific issue of racial discrimination against groups whose identities are fundamentally shaped by a shared ethnicity, nation, tradition, religion, language or territorial origin. The Government stressed that the focus on interculturalism is a way of reformulating the destructive and hierarchical relations inherent in Nazism, neo-Nazism, xenophobia and racial discrimination.

9. The Government stressed the importance of digital media as a specific area for regulation because it can be used to disseminate racism, xenophobic and intolerant discourse. As a consequence, the "platform for an Internet free from discrimination" was designed to monitor and guarantee the open use of the Internet. With regard to the detection of signs of racism, Nazism, neo-Nazism and xenophobia on the Internet, the virtual platform works with the Web Observatory to find timely solutions in order to ensure that anti-Semitic content is removed from the Internet.

10. The Government mentioned the establishment by the National Institute to Combat Discrimination, Xenophobia and Racism of a complaints centre where

[1] The original submission are available in the files of the OHCHR secretariat.

individuals and organizations can lodge complaints about any kind of discrimination. For example, a case of anti-Semitic chants during a football match led to the sanctioning of an Argentinian football club. Another case concerned the rise in neo-Nazi incidents in Mar del Plata, Buenos Aires Province, where the community has been the target of neo-Nazi and homophobic incidents over the past year. A centre for receiving complaints and assisting victims of acts of xenophobia and racism has been opened in Mar del Plata to address the rise in this type of incident.

11. The Government drew attention to the fact that, while the spread of Nazism, neo-Nazism and contemporary forms of racial discrimination, xenophobia and related intolerance within civil society has slowed down at the national level, such attitudes and ideologies are taken seriously by governmental institutions.

B. Cuba

12. The Government of Cuba informed the Special Rapporteur that it considers it vital to establish, at the national level, the political, legal, economic and social foundations to successfully address all the aforementioned manifestations of xenophobia and racism. In Cuba, constitutional recognition of the principle of equality and the adoption of legislative measures designed to eliminate racial discrimination and to uphold the prohibition of discrimination of all forms have been given priority.

13. The Government stressed that, historically, xenophobia has not existed as a social phenomenon in Cuba. The Government noted with concern that in many regions and countries of the world, and particularly in countries of the industrialized North, racism, racial discrimination and xenophobia continue to exist, including in new and more sophisticated forms. Their persistence is reflected by the continuing formation of associations and political parties with a racist agenda; the erection of monuments and the organization of public demonstrations to glorify the Nazi past and neo-Nazism; attempts to defile or destroy memorials to those who fought against Nazism; the social exclusion and marginalization of peoples, ethnic groups, minorities and other social groups and categories of individuals; the proliferation of discriminatory migration policies and laws; and the adoption of anti-terrorism legislation that offers considerable leeway for arbitrary action and the exercise of public authority on a discriminatory, racist and xenophobic basis.

14. The Government highlighted that Cuba firmly believes that the persistence and resurgence of neo-Nazism, neo-Fascism and other violent nationalist ideologies based on racial and national prejudice should be condemned at the international level and cannot be justified using manipulative and selective arguments related to the exercise of the right to peaceful assembly and association and the right to freedom of opinion and expression.

15. The Government reiterated its resolve to support efforts to ensure the full implementation of the Durban Declaration and Programme of Action and the adoption of new practical measures to eradicate contemporary forms of racism, racial discrimination and intolerance.

16. The Government reported that Cuba has worked around the world to provide services in the fields of health, education and sport in order to allow access to

fundamental human rights for millions of impoverished persons, indigenous and Afro-descendent communities and members of other vulnerable social groups.

C. Germany

17. The Government of Germany stressed that it is the responsibility of Governments and civil society to combat racism and other forms of discrimination, including condemnation of any forms of glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The Government stressed that, considering the responsibility of past history, it is particularly committed to this challenge.

18. The Government underlined that combating racism is a top priority on the Government's agenda but that it cannot solve the problem on its own. Therefore, it highlighted examples of cooperation with civil society, including the creation of the "Forum against Racism", which comprises a wide range of civil society representatives.

19. The Government stressed that the fight against all kinds of stereotypes through educational and general awareness programmes is key to combating racism. In this regard, the Government mentioned several initiatives such as the "Cohesion through participation" programme; the Federal Agency for Civic Education; and the Alliance for Democracy and Tolerance. The Government also reported that educational visits to memorial sites and institutions dedicated to preserving the memory of the crimes committed during the Nazi period are common in schools throughout Germany.

20. The Government indicated that the protection of human rights in general and the prohibition of discriminatory practices in particular form part of the training of police officers. Police officers receive courses dealing with xenophobia and racism. Section 130 of the German Criminal Code states that whoever approves of, denies or downplays crimes committed under Nazi rule is liable to imprisonment of up to five years. Similarly, violating the dignity of the victims of Nazi rule by approving of, glorifying or justifying crimes committed under Nazi rule can be punished with imprisonment of up to three years. The Government also reported that offences involving discrimination against persons are separately recorded and analysed as hate crimes, and that courts generally hand out stricter sentences if a crime is motivated by hatred.

21. The Government highlighted the recent establishment, in coordination with several civil society organizations and companies, including Facebook, Google and Twitter, of a task force to combat hate speech on the Internet. The Government also reported that it strongly supports the work of the Organization for Security and Cooperation in Europe (OSCE) in the fight against intolerance and hate crimes.

D. Italy

22. The Government of Italy referred to its legislative decree of 1 January 2016, under which public insult now amounts to an aggravating circumstance. The Government also reported that the National Office against Racial Discrimination has addressed each practice that contributes to fuelling racism, racial discrimination,

xenophobia and related intolerance in the triennial National Plan of Action against Racism and Xenophobia adopted in September 2015.

23. The Government highlighted the creation of the Media and Social Network Observatory on hate speech in January 2016, which is focused on reporting hate speech posted online and also at analysing, learning about and understanding the issue. Thousands of online posts are analysed on a day-by-day basis, and a substantial portion of the posts are catalogued and included in thematic reports. Others, a lesser proportion but considered to be of a strongly discriminatory nature, are reported to social networks for removal or to law enforcement for investigation and prosecution.

24. The Government pointed out the holding of a three-day training workshop for law enforcement agencies organized by the Observatory for Security against Discriminatory Acts to increase police awareness of the measures to prevent and combat discrimination, in particular hate crime and hate speech. In May 2013, the Observatory and the OSCE Office for Democratic Institutions and Human Rights signed a memorandum of understanding regarding the implementation of the "Training against hate crimes for law enforcement" programme. The Observatory is a member of the European Union (EU) Fundamental Rights Agency's Working party on improving reporting and recording of hate crime in the European Union. The working party was established in November 2014 in response to the "Council conclusions on combating hate crime in the European Union" adopted by the EU Council in 2013, in which the Council invited Member States to take appropriate measures to encourage the reporting of hate crimes by victims and witnesses.

E. Kuwait

25. The Government of Kuwait stressed that it does not encourage Nazism, neo-Nazism or other such practices and that incidents and manifestations of that kind do not exist in the country and are forbidden by law. The Government stressed the fact that Kuwait has ratified various international treaties designed to combat all forms of racism, including the ratification of the International Convention of the Elimination of All Forms of Racial Discrimination. When international treaties ratified by Kuwait enter into force, they become an integral part of national legislation. As a consequence, all Government agencies, as well as individuals, are bound to abide by their provisions, and the judiciary must ensure that such provisions are respected.

26. The Government mentioned several provisions in the Constitution, including article 7, which cites equality as one of the pillars of society, and article 29, which enshrines the general principle of non-discrimination. The Government explained that discrimination on the grounds of "colour" and "property" is not mentioned because there is no racial discrimination in Kuwait and that the wording of the article is sufficient to dispel any doubts. Article 35 of the Constitution guarantees freedom of belief. Article 166 of the Constitution enshrines the right to take legal action without discrimination or distinction. Therefore, anyone whose rights have been violated has the right of recourse to the Kuwaiti courts to seek judicial protection.

27. The Government made reference to specific pieces of legislation that include provisions aimed at combating racial discrimination and racism, including article 6

of Act No. 24 of 1962 as well as article 6 of Decree Law No. 42 of 1978, which prohibits association and clubs, including sporting clubs, to "interfere in politics or in religious disputes or arouse partisan feelings on the basis of race, religious community or doctrine". The Kuwaiti Criminal Code also contains general provisions criminalizing the dissemination of harmful ideas that could affect the country's social and economic order. With regard to religion, article 19 of Act No. 3 of 2006 forbids any encroachment upon divinity, the Koran, the Prophets or the companions or wives of the Prophet, while article 11 of Act No. 61 of 2007 prohibits broadcast license holders from broadcasting or rebroadcasting material that could encroach upon, mock or defame divinity or theology.

28. The Government also mentioned article 1 of Decree Law No. 19 of 2012, which prohibits: advocacy or incitement of hatred or contempt for any social group by any means of expression; provocation of sectarian or tribal factionalism; promotion of an ideology based on the superiority of any race, group, colour, national or ethnic origin, religious confession or lineage; encouragement of any act of violence to that end; and the dissemination, propagation, printing, broadcasting, retransmission, production or circulation of false rumours likely to lead to any of the above. According to article 2 of the same Decree Law, anyone who commits an act in contravention of the provisions of article 1 shall be liable to a term of imprisonment of up to 7 years and/or payment of a fine between 10,000 and 100,000 Kuwaiti dinars.

29. The Government highlighted several provisions in criminal law designed to combat intolerance, stereotyping, stigmatization, discrimination, incitement to violence and violence against persons based on religion or belief. These provisions include: articles 109 to 111 and 113 of Act No. 16 of 1960; article 7 of Cybercrime Act No. 63 of 2015; and articles 19 and 21 of the Press and Publications Act No. 3 of 2006. The Government also stressed the right of persons who have been harmed as the result of an unlawful action to demand compensation for the damages suffered, as enshrined in the Decree Law No. 67 of 1980.

F. Morocco

30. The Government of Morocco reported on the legal framework that aims at addressing discrimination in general, including Law 34-09 of 2 July 2011 related to the health-care system and access to health, the internal regulation of hospitals of 2011, the new strategy 2012-2016 for mental illness, the national AIDS strategy and the access for migrants, refugees and asylum seekers to health services.

31. The Government referred to article 308-5 of the Penal Code, which sanctions incitement to racial discrimination or hatred. The provisions were strengthened by article 431-1-1, which defines hatred as contempt and aversion to persons for reason of their race, religion, sex or colour. The Government also indicated that three bills regarding asylum, immigration and trafficking are currently being discussed. Moreover, Law No. 83.13, related to audiovisual communications, forbids: advertising that could advance negative stereotypes about women; discriminatory advertising related to race, sex, nationality and religion; advertising that is degrading to the dignity of the people; violent advertising; and advertising that incites prejudicial behaviour with regard to the health, the security of people or goods or environmental protection. Furthermore, article 39 *bis* of the Press and

Publication Code of 15 November 1958 prohibits incitement to racial discrimination or violence based on sex, origin, colour or ethnicity or religious membership. The *cahier des charges* of the *Société d'Etudes et de Réalisations Audiovisuelles* strengthens legal provisions regarding negative advertising.

32. The Government also highlighted the measures adopted to combat discrimination against foreigners. Morocco has elaborated a national immigration and asylum strategy and has provided support to civil society organizations working in the field of migration, with the aim of promoting tolerance and combating hatred and discrimination. The Ministry in charge of Moroccans living abroad and of migration affairs also organized a seminar on the "challenges of cultural diversity and integration". In addition, strategic measures have been adopted to strengthen foreigners' access to health care, education, the labour market, accommodation, legal aid and social and humanitarian assistance, including measures targeting youth and sport, and civil society.

33. The Government affirmed its commitment to combating racial discrimination and xenophobia in prisons by ensuring that all new prison wardens consistently receive appropriate training. The Government also reported its commitment to ensuring that children's education includes learning tolerance, moderation, acceptance of others and religious coexistence, and that children are educated to fight against extremism, violence and racial discrimination. As a result of the introduction of the programme to combat illiteracy in mosques, there are a number of awareness-raising campaigns about the negative effects of all forms of discrimination. The Centre for Documentation and Cultural Activities organizes conferences and seminars stressing that Islam is a religion of tolerance.

G. Paraguay

34. The Government of Paraguay reported that, under article 137, its Constitution holds supremacy over other legal norms. The Government also underlined the fact that Paraguay has ratified various international instruments under which the Government is obligated to respect rights and liberties and to adopt measures in line with the provisions of those instruments. With regard to the inter-American system, the Government underscored the fact that the American Convention on Human Rights is an effective tool for determining the constitutionality of laws and guaranteeing the observance of human rights throughout the continent. Article 13 of the Convention concerning "Freedom of Thought and Expression" provides for a wide range of rights which guarantee this freedom, especially for those who have the responsibility to communicate and disseminate information. The exercise of this right shall not be subject to prior censorship. Paragraph 5 of the Convention stipulates that "Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, colour, religion, language, or national origin shall be considered as offenses punishable by law."

35. The Government also made reference to article 140 of the Constitution, which identifies Paraguay as a multicultural State, recognizing the diversity of the social composition of the population in the terms used in the International Convention on the Elimination of All Forms of Racial Discrimination. Regarding political parties

and movements based on discriminatory or Nazi-apologetic ideologies, the Government stressed that the Constitution recognizes ideological freedom (article 24) and prohibits political parties and movements from establishing structures which, either directly or indirectly, involve the use or the call to violence as a means of doing politics (article 126). Ideologies that promote intolerance and discrimination against minorities on religious, ethnic, social status, political or trade unions preferences grounds are prohibited by law (article 88).

36. The Government also made reference to Law No. 1.160/97 of the Criminal Code (article 238), which criminalizes as a crime an act that publicly, at a meeting or through means of a publication, aims to disturb the public peace by condoning: (a) an attempted or committed crime or (b) a person convicted for having committed a crime. Under the law, such an offence may be punished with imprisonment of up to three years or a fine. The law also provides for the criminalization of incitement to commit punishable acts (article 237), understood as an act that publicly, at a meeting, or through the public disclosure of publications, incites the commission of illegal acts. Article 237 of the Criminal Code also states that for such incitement, perpetrators may be punished with imprisonment of up to five years or a fine.

H. Russian Federation

37. The Government of the Russian Federation reiterated its commitment to making every possible effort to prevent fascist organizations and movements from operating in the country, in accordance with the Federal Act No. 80-FZ of 19 May 1995 on the "Memorialisation of the Victory of the Soviet People in the Great Patriotic War of 1941-1945". The Government explained its policy of combating nationalist ideologies embracing Nazi ideas, as set out in its Decree No. 1666 of the President of the Russian Federation of 19 December 2012 on the ethnic policy of the Russian Federation for the period up to 2025.

38. The Government reported that manifestations of fascism, Nazism and other ideas of racial supremacy were prosecuted under the law and that preventive measures had been recently adopted, in particular to avoid the involvement of and growth of propaganda among young people. The Government indicated that list No.20, which entered into force under the joint directive of 1 February 2016 of the Office of the Prosecutor General (No. 65/11) and of the Ministry of Internal Affairs (No.1), defines which articles of the Criminal Code are to be used to compile statistical reports applying to extremist crimes, including those committed for reasons of racial and ethnic hatred or enmity.

39. The Government also shared statistics from 2015[2] regarding offences, mainly defined under articles 280 (Public appeals to carry out extremist activities) and 282 (Incitement to hatred or enmity or insults to human dignity) of the Criminal Code. Further criminal statistics were shared, including the number of persons: (a) found guilty of acts aimed at inciting hatred or enmity or insulting human dignity on the grounds of race, ethnicity or religion (370 persons); (b) convicted of making public appeals for the carrying out of extremist activities under article 280 (1) of the Criminal Code (51 persons); and (c) found guilty of making public appeals for the

[2] 1,329 extremist offences in 84 of the 85 regions of the Russian Federation, more than half of which were committed through the use of the Internet (825 offences under article 282 and 256 offences under article 280 of the Criminal Code).

carrying out of extremist activities through the use of mass media under article 280 (2) of the Criminal Code (26 persons).

40. The Government further reported that the proportion of extremist attacks on individuals, including those involving acts of violence over the past year, was less than one fifth of all extremist criminal acts (110 crimes). These figures attest to a certain level of stabilization, including with regard to inter-ethnic and interfaith tensions. The Government also specified that most crimes were minor offenses under article 115 of the Criminal Code.

41. The Government explained that, in 2015, its focus was mainly on the issue of detecting and investigating organized criminal groups that subscribed to a fundamentalist ideology. The Government also provided the number of such crimes (62 crimes involving the organization and operation of extremist conspiracies and organizations). Owing to the change in the focus of the organization of work to detect and eliminate the sources of financing of terrorism and extremism in 2015, the number of reported cases increased by a factor of 13 in comparison to 2014, and the number of cases involving the detection and suppression of extremist Internet crimes increased by 34 per cent.

42. The Government expressed its commitment to and involvement in preventing inter-ethnic conflicts that could escalate tensions and lead to rioting. On the basis of the Decree No. 602 of 5 May 2012 on the promotion of inter-ethnic harmony, law enforcement services had prevented more than 100 inter-ethnic clashes.

43. The Government also explained its policy regarding the education of children and young people, with the aim of preventing the occurrence of racism and extremism, in particular through the framework for the State Youth Policy for the period up to 2025, which was approved by an order of 29 November 2014, and the State programme entitled "Patriotic education of citizens of the Russian Federation for the period 2016-2020", approved by an order of 30 December 2015.

44. The Government reported that it pays particular attention to the spiritual and moral education of children, and that educational programmes are meant to develop qualities such as tolerance, respect for other cultures and openness to dialogue and cooperation. Therefore, all State and municipal primary schools teach a comprehensive basic course on religious cultures and secular ethics to familiarize young people with the religious and cultural traditions of the peoples of the Russian Federation. Since 1 September 2015, the Government has introduced a subject entitled "Foundations of the spiritual and moral culture of the peoples of Russia" into the curriculum of all primary schools.

45. The Government also reported that, at the third in the series of "Bigiev's readings", at the International Theological Conference held from 27 to 29 April 2016, the matter of promoting tolerance towards members of different religions was discussed.

I. Saudi Arabia

46. The Government of Saudi Arabia reported that several national laws prohibit racism, racial discrimination, xenophobia and related intolerance, including the Basic Law of Governance (articles 8, 26 and 47), the Press and Publications Act (article 9), the Cybercrime Act (article 3) and the Code of Criminal Procedure

(article 2). Saudi Arabia also pointed out that the International Convention on the Elimination of All Forms of Racial Discrimination has become part of its domestic law.

47. The Government also reported that any citizens or residents who have suffered a violation of their rights can seek redress in several ways, including through senior administrators in government agencies, governmental and non-governmental human rights institutions, regional governors, the Council of the King and the Council of the Crown Prince and the judiciary.

48. The Government also noted that the Civil Society Associations and Institutions Act (article 8 (2)) prohibits the formation of associations that propagate ideas of racial superiority or racial hatred. In addition to the provisions contained in article 8 of the above-mentioned Act, the Ministry of Islamic Affairs, Da'wah and Guidance has issued working documents and instructions to imams and preachers in mosques, prohibiting them from promoting hate speech.

49. The Government reported that the Public Authority for Sport uses sporting activities of all kinds to combat racism and to alert society to its dangers. In cooperation with other bodies, the Authority organizes awareness-raising campaigns and warns against the dangers of sporting fanaticism. The Government regularly organizes activities at the local, regional and international level, that help to bring different cultures and societies closer together. One of the most significant of these activities is the annual Janadriyah festival of culture and heritage.

50. The Government sees civil society organizations and institutions as fundamental partners in its efforts to protect and strengthen human rights. Civil society entities receive and examine complaints, uncover violations and launch awareness-raising campaigns to promote tolerance and eradicate racism, and to alert people to its dangers. Such entities also issue reports on the condition of human rights in Saudi Arabia.

J. Senegal

51. The Government of Senegal referred to article 98 of its Constitution, which incorporates into national law the provisions of the international and regional human rights treaties to which Senegal is a party. The Government highlighted the fact that racial discrimination is prohibited under national legislation and that, to date, no cases involving acts of racism have been brought before the courts. However, on social networks and online discussion forums it is not unusual to find pejorative nicknames associated with certain nationalities.

52. The Government stressed that it had adopted legislative provisions aimed at reinforcing the legal framework of the fight against racism, complementing its ratification of the International Convention on the Elimination of All Forms of Racial Discrimination in 1972. These measures include Law No. 81-77 of 1981 on the punishment of racial, ethnic or religious discriminatory acts; and Laws No. 79-02, 79-03 and 81-17, which prohibit all forms of discrimination based on race, gender or religion as the basis for entry or access to/or membership in an association.

53. The Government also referred to article 5 of the Constitution, which states that any act of racial, ethnic or religious discrimination shall be punished by the law. Furthermore, article 431-7 of the Criminal Code gives a definition of racism and

xenophobia, and article 233 *bis* of the Criminal Code provides that anyone who incites or attempts to incite acts of intolerance between people of different religions or religious sects shall be punished with a fine ranging from 50,000 to 500,000 CFA francs and six months to two years' imprisonment.

54. With regard to the treatment of foreigners, the Government does not make any distinction between foreigners and nationals in the provision of access to education, health and justice. Any foreigner can appeal to the Senegalese courts to assert their rights or to seek remedies for acts of discrimination against them.

55. The Government also reported on the establishment of the Senegalese Committee on Human Rights in 1997, as well as the on the Human Rights Directorate and the Unit to combat trafficking in persons within the Ministry of Justice. The Government stressed that the country hosts different ethnic and religious groups who live in peace with one another.

K. Trinidad and Tobago

56. The Government of Trinidad and Tobago reported that, while no new legislation related to combating racism and xenophobia had been adopted within the past four years, the Constitution contains a number of protections against discrimination in general. Similarly, a number of legislative acts, including the Equal Opportunity Act (2000), the Police Complaints Authority Act (2006), the Summary Offences Act (1921), the Malicious Damage Act (1925), the Sedition Act (1920), the Anti-Terrorism Act (2005) and the International Criminal Court Act (2006) protect the population of the country against racism and racial discrimination.

57. The Government underlined the role played by the Ministry of Community Development, Culture and the Arts, which works to promote deeper collaboration between persons of varying cultural and ethnic backgrounds.

III. Contributions received from non-governmental and other organizations

A. Organization of the Jews in Bulgaria "Shalom"

58. The Organization of the Jews in Bulgaria expressed concern with regard to the events that allegedly took place in the city of Odessa, Ukraine, in May 2014, at which ultra-nationalist Ukrainian militants attacked and killed civilians shouting slogans such as "death to our enemies". The organization reported that the Ukrainian authorities have not yet established any special mechanism to investigate these allegations.

B. Latvian Anti-Nazi Committee

59. The Latvian Anti-Nazi Committee expressed concern over the growth in neo-Nazi sentiment across Latvia. According to the Committee, several political figures have allegedly claimed that the annexation of Latvia as part of the Union of

Soviet Socialist Republics in 1940 was a heinous crime and that its occupation by Nazi Germany in 1941 was an act of liberation of the Latvian people from the Bolshevist oppression.

60. The Committee reported that the Latvian Parliament had adopted a declaration on Latvian legionnaires during the Second World War on 29 October 1998, in which the State undertook to protect the honour and dignity of the Latvian legionnaires, equating veterans of the "Lettland" division of Waffen SS to members of the national liberation movement.

61. The Committee also pointed out that Latvia has been holding annual days in honour of Latvian legionnaires since 1998, and that Latvian schools and preschools hold so-called "lessons of patriotism" where children are allegedly taught about the history of Waffen SS veterans as an example of how to protect their homeland. However, the Ministry of Foreign Affairs has reported that these commemorations are private events, not supported by the State. Nevertheless, the Committee claimed that, several days before these annual commemorations, Latvia tightens its border controls and issues blacklists in order to prevent members of international anti-fascist movements from entering the country to counter the commemorations.

C. Latvian Human Rights Committee

62. The Latvian Human Rights Committee reported on the annual march honouring the veterans of the Latvian Waffen SS legion, which took place in the centre of Riga in March 2016 with the participation of Members of Parliament from the co-ruling National Alliance Party. With regard to the possible participation of the Government to the events, the Committee reported that the Prime Minister allegedly said that he had instructed the cabinet ministers not to participate, but that he would not hinder their participation or condemn any official for participation in the event.

63. The Committee also reported that, in September 2015, a court had acquitted Mr. Leonards Inkins a prominent far-right activist, for a second time. Mr. Inkins has allegedly promoted an old anti-Semitic forgery called the "Catechism of a Soviet Jew". On a positive note, the Committee pointed out the holding, in March 2016, of the first-ever criminal case for inciting religious hatred. The Committee also reported on the refusal of the Register of Enterprises to register the web portal www.zarya.lv, which was founded by several radical opposition activists and a non-governmental organization. The Register of Enterprises allegedly claimed that the goal of the web portal was to grant citizenship to "non-citizens".

D. World Veterans Federation

64. The World Veterans Federation reported that the glorification of Nazism and the Nazi movement, as well as the rise of neo-Nazism and the desecration of monuments and memorials to those who fought against Nazism, are issues of great concern to its membership. The Federation mentioned numerous resolutions on this matter adopted by various General Assemblies of the Federation, in particular those adopted in 2009 and 2012.

65. The Federation also submitted relevant resolutions and documentation on follow-up actions taken by member associations in the three years following the adoption of the above-mentioned resolutions by its General Assemblies.

IV. Conclusions and recommendations

66. The Special Rapporteur is grateful to all Governments and to all non-governmental and civil society organizations for the information provided on the measures implemented pursuant to General Assembly resolution 70/139, and in this regard recalls the importance of full cooperation with his mandate, as set out in Human Rights Council resolution 25/32.

67. The Special Rapporteur notes that some submissions referred to the phenomena identified in General Assembly resolution 70/139 and to the proliferation of extreme right-wing groups. Others stressed that no such phenomena existed within their borders. The Special Rapporteur reiterates that the human rights and democratic challenges posed by extremist political parties, movements and groups are universal, and that no country is immune to them, and calls upon States and all other stakeholders to increase their vigilance and to be proactive in strengthening their efforts and political will to recognize and effectively address those challenges.

68. The Special Rapporteur reiterates that any commemorative celebration of the Nazi regime, its allies and related organizations, whether official or unofficial, should be prohibited by States. The Special Rapporteur recalls paragraph 14 of General Assembly resolution 70/139, in which the Assembly stressed that such practices do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and by those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and may negatively influence children and young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter.

69. In this regard, the Special Rapporteur recalls his condemnation of any manifestation of religious intolerance, incitement, harassment or violence against persons or communities on the basis of ethnic origin or religious belief. Furthermore, the Special Rapporteur remains concerned about the continued scapegoating of vulnerable groups, including migrants, asylum seekers and ethnic minorities. Such discourse remains a powerful tool for politicians whose goal is to mobilize the masses to the detriment of social cohesion and human rights. The continued uncensored and unpunished expressions of supremacist, anti-Semitic and hateful opinions by some political leaders may be an indicator that societies are growing dangerously and increasingly tolerant of hate speech and extremist ideas.

70. The Special Rapporteur recalls recommendations made in previous reports to the Human Rights Council (see A/HRC/23/24, A/HRC/26/50, A/HRC/29/47 and A/HRC/32/49) and the General Assembly (see A/68/329, A/69/334 and A/70/321) and wishes to reiterate that these remain valid and current. These recommendations are presented again below.

A. Legislative measures

71. The Special Rapporteur welcomes the information provided regarding the ratification of a range of instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, and the inclusion of the Convention in national legal and constitutional frameworks. He urges those States that have not yet done so to ratify the Convention and to make the declaration under its article 14, thus providing the Committee on the Elimination of Racial Discrimination with the power to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by a State party of any of the rights set forth in the Convention.

72. The Special Rapporteur encourages States to adopt the legislation necessary to combat racism, while ensuring that the definition of racial discrimination complies with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. He calls for the updating of national anti-racism legislation in the light of the increasingly open expression of hate speech and incitement to violence against vulnerable groups. In this regard, he recalls that any legislative or constitutional measures adopted with a view to countering extremist political parties, movements and groups, including neo-Nazis and skinhead groups and similar extremist ideological movements, should be in conformity with relevant international human rights standards. He also urges States to implement their obligations under article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and articles 19 to 22 of the International Covenant on Civil and Political Rights.

73. The Special Rapporteur notes with appreciation that several States have prescribed in their criminal codes that racist and xenophobic motivation constitutes an aggravating circumstance, calling for heavier sanctions, not only against instigators but also their followers. While welcoming the information provided regarding measures taken to prevent discrimination against members of minorities, people of African descent, Roma, migrants, refugees and asylum seekers and to ensure their integration into society, the Special Rapporteur urges States to ensure the full and effective implementation of legal, policy and institutional measures protecting these groups of individuals and recommends that States effectively guarantee to these groups, without discrimination of any kind, the right to security and access to justice, adequate reparation, legal aid and appropriate information about their rights, as well as the prosecution and adequate sanctioning of those responsible for racist crimes against them, including the right to seek reparation for damages suffered as a result of such crimes.

74. The Special Rapporteur recalls paragraph 13 of the outcome document of the Durban Review Conference,[3] which states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, as should be the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts. In this regard, the Special

[3] A/CONF.211/8.

Rapporteur calls upon all States to respect the commitments made in the Durban Declaration and Programme of Action, which is a comprehensive framework for action against racism, racial discrimination and xenophobia.

B. Political measures

75. The Special Rapporteur calls upon States and all stakeholders to counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements. Greater vigilance from all relevant actors is therefore important, and this requires a comprehensive approach, based on a solid legal framework, complemented by other key measures, including education and awareness-raising programmes and victim-centred approaches, which should be further developed. Good practices, including some mentioned in the present report, should also be exchanged on a regular basis among all actors working in this field.

76. The Special Rapporteur reiterates his call on political leaders and parties to strongly condemn all messages disseminating ideas based on racial superiority or hatred, incitement to racial discrimination or xenophobia. These leaders should be aware of the moral authority they represent and should use it to promote tolerance and respect, refraining from forming coalitions with extremist parties of a racist or xenophobic character, and taking into account the need to ensure that political and legal systems reflect the multicultural character of their societies.

C. Education and capacity-building

77. The Special Rapporteur recalls that education remains the most effective means of countering the negative influence that extremist political parties, movements and groups may have on young people. Recalling his 2013 thematic report,[4] he recommends that States recognize the important role of education in combating racism, racial discrimination, xenophobia and related intolerance, particularly in promoting the principles of tolerance and respect for ethnic, religious and cultural diversity and preventing the proliferation of extremist racist and xenophobic movements and propaganda. Law enforcement officials and members of the judiciary should also have the capacity to address crimes motivated by racist, xenophobic, anti-Semitic or homophobic biases through the provision of comprehensive and mandatory human rights training, with a specific focus on racist and xenophobic crimes perpetrated by individuals linked to extremist political parties, groups and movements.

D. Internet and social media

78. The Special Rapporteur reiterates his concerns regarding the increased use of the Internet and social media by extremist political parties, movements and groups to promote and disseminate racist content.[5] He calls upon States to

[4] A/HRC/23/56.
[5] A/HRC/26/49, sect. III.

take all opportunities, including those provided by the Internet, to counter the dissemination of ideas based on racial superiority or hatred and to promote the values of equality, non-discrimination, diversity and democracy, while respecting their obligations under articles 19 and 20 of the International Covenant on Civil and Political Rights. States should adopt measures to counter ideas and biases based on racism, racial discrimination, xenophobia and related intolerance and to strengthen freedom of expression, which plays a crucial role in promoting democracy and combating racist and xenophobic ideologies based on racial superiority.

E. Sports

79. The Special Rapporteur calls upon States to strengthen measures to prevent racist and xenophobic incidents at sporting events. As indicated in his 2014 report to the General Assembly,[6] he further emphasizes the key role of sports in promoting cultural diversity, tolerance and harmony. The Special Rapporteur recommends that States and other relevant stakeholders, such as sports federations, take advantage of sporting events to promote the values of tolerance and respect. He recalls paragraph 218 of the Programme of Action,[7] which urges States, in cooperation with intergovernmental organizations, the International Olympic Committee and international and regional sports federations, to intensify the fight against racism in sport by, among other things, educating the youth of the world through sport practised without discrimination of any kind and in the Olympic spirit, which requires human understanding, tolerance, fair play and solidarity.

F. Holocaust denial

80. The Special Rapporteur reiterates his absolute condemnation of any denial or attempt to deny the Holocaust and all manifestations of religious intolerance, incitement, harassment or violence against persons or communities based on ethnic origin or religious belief. He reiterates his call for the active preservation of the sites which served as Nazi death camps, concentration and forced labour camps and prisons and urges States to take legislative and educational measures to put an end to Holocaust denial.

G. Civil society and national human rights institutions

81. The Special Rapporteur recalls the importance of cooperating closely with civil society and international and regional human rights mechanisms to effectively counter extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements. In particular, the role played by civil society organizations and institutions in collecting information, working closely with victims and promoting democratic principles and human rights should be emphasized, and the sharing of good practices should be continued among all relevant stakeholders. He welcomes

[6] A/69/340.
[7] A/CONF.189/12 and Corr.1, chap. I.

coordination between governmental structures and civil society entities to maximize efforts to adopt and promote anti-discrimination policies, and encourages such efforts.

82. The Special Rapporteur also calls upon national human rights institutions to develop appropriate programmes to promote tolerance of and respect for all and to collect relevant information. He further calls for national specialized bodies and national action plans for the elimination of racism, racial discrimination, xenophobia and related intolerance to also monitor closely the phenomenon of Nazism, neo-Nazism, and Holocaust denial.

H. The Media

83. The Special Rapporteur wishes to stress the positive role played by the media in combating the spread of extremist ideas, in particular in combating stereotypes, promoting a culture of tolerance and playing an integrative role by providing space for ethnic minorities to also have their voices heard.

I. The need for statistics and disaggregated data[8]

84. The Special Rapporteur reiterates his previous recommendations concerning the need to collect disaggregated data and statistics on racist, xenophobic, anti-Semitic and homophobic crimes in order to identify the types of offences committed, the characteristics of the victims and of the perpetrators and whether they are affiliated with extremist political parties, movements or groups. Such disaggregated data would enhance a better understanding of the phenomenon and identify effective measures to be taken to address these crimes. The Special Rapporteur further recalls the importance of collecting disaggregated data as one of the indicators to monitor the progress on the implementation of the 2030 Sustainable Development Goals adopted by the General Assembly on 25 September 2015.[9]

J. Other

85. In closing, while acknowledging the vital importance of keeping the issue of contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the international agenda, the Special Rapporteur would like to reflect on the work accomplished under his mandate thus far. This is the tenth report requested by the General Assembly on this issue. The Special Rapporteur has always endeavoured, with great commitment and understanding, to fulfil the request of the Assembly for two annual reports, one to the Human Rights Council and one to the Assembly. The Special Rapporteur reiterates his call for the consideration of an alternative approach in order to draw continuing attention to and highlight the nature of this phenomenon, which could involve a streamlining of the reporting process into one yearly report to the Assembly. The preparation of one consolidated report would allow

[8] A/70/335.

[9] Resolution 70/1.

for the collection of views from all submissions received. The Special Rapporteur also highlights that special procedures mechanisms have various methods of work, including communications to country visits, which could be used to continue addressing this important issue. The Special Rapporteur reiterates his hope that the Assembly, at its seventy-first session, will consider his suggestions in its deliberations and in the process of adopting a resolution on this topic.

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Right of peoples to self-determination

Right of peoples to self-determination

Report of the Secretary-General

Summary

In its resolution 70/143, the General Assembly requested the Secretary-General to submit a report to the Assembly at its seventy-first session on the universal realization of the right of peoples to self-determination. The present report is submitted in accordance with that request.

The report provides a summary of the main developments relating to the realization of the right to self-determination within the framework of the activities of the main organs of the United Nations and those of its human rights mechanisms and regional organizations since the submission of the last report on this question (A/70/314).

* A/71/150.

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I. Introduction

1. The General Assembly, in its resolution 70/143, reaffirmed that the universal realization of the right to self-determination was a fundamental condition for the effective guarantee and observance of human rights.

2. The present report is submitted in accordance with paragraph 6 of resolution 70/143, in which the General Assembly requested the Secretary-General to report to it on this question at its seventy-first session.

3. The report provides a summary of the main developments relating to the realization of the right to self-determination within the framework of the activities of the main organs of the United Nations and of its human rights mechanisms since the submission of the last report (A/70/314). It summarizes the main observations relating to the right to self-determination made by the Secretary-General in his latest report to the Security Council on the situation concerning Western Sahara (S/2016/355). It reviews resolutions of the General Assembly that refer to the right of peoples to self-determination, including in the context of Non-Self-Governing Territories and the use of mercenaries, as well as with regard to the right of the Palestinian people to self-determination. It also summarizes developments in regional organizations during the reporting period.

4. The report refers to the consideration of the issue by the Human Rights Council, both in resolutions and through the reports submitted to the Council by special procedures mandate holders.

5. The report also includes information on the relevant jurisprudence of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, which is based on their consideration of periodic reports submitted by the States parties to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in respect of the implementation of the right of all peoples to self-determination guaranteed in common article 1 of the two Covenants.

II. Security Council

6. In accordance with Security Council resolution 2218 (2015), the Secretary-General submitted a report to the Security Council on the situation in Western Sahara (S/2016/355). The report recalled the visit of the Secretary-General to the region from 3 to 7 March 2016, during which he sought to make his own contribution to the negotiating process, paid tribute to the United Nations Mission for the Referendum in Western Sahara (MINURSO) and its personnel, witnessed the humanitarian situation on the ground and discussed other issues of concern.

7. The report described the situation in Western Sahara as remaining generally stable. West of the berm. Public life proceeded peacefully and included gatherings at social events in urban areas without major incident. On the occasions MINURSO was able to witness, an extensive presence of Moroccan security forces was noted. One potential violation of the ceasefire, as defined in military agreement No. 1, was reported. The Secretary-General noted that, according to various sources, the Moroccan authorities continued to routinely prevent or disperse gatherings focused

on the right to self-determination, discriminatory employment policies and other socioeconomic issues.

8. The Secretary-General noted that the Office of the High Commissioner for Human Rights (OHCHR) deployed a technical mission to the Western Saharan refugee camps near Tindouf, Algeria, from 29 July to 4 August 2015. The mission was preceded by a similar mission to Laayoune and Dakhla in Western Sahara from 12 to 18 April 2015. The missions enabled OHCHR to gather first-hand information and gain greater understanding of the human rights situation and challenges in the region and to explore forms of future cooperation to ensure effective human rights protection for all (ibid., para. 65). The Secretary-General also indicated that on 4 September 2015, municipal and, for the first time, regional elections were held in Morocco and in Western Sahara west of the berm, despite the contested status of the entire territory. Insofar as MINURSO could ascertain, the elections were conducted without incident. However, the Secretary-General recalled his regret at the absence of genuine negotiations on the definitive status of Western Sahara "without preconditions and in good faith to achieve a mutually acceptable political situation, which will provide for the self-determination of Western Sahara." The Secretary-General stated that the mutually acceptable political solution should include resolution of the dispute over the status of Western Sahara, including through agreement on the nature and form of the exercise of self-determination (ibid., paras. 8, 9, 65 and 91).

9. The Secretary-General concluded that growing frustration among Western Saharans, coupled with the expansion of criminal and extremist networks in the Sahel-Sahara region, presented increased risks for the stability and security of the region, which would be mitigated by a settlement of the Western Sahara conflict. He reiterated his call on the parties to seriously engage with the Personal Envoy and to sustain and intensify their efforts to negotiate a "mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara", as requested by Security Council in its resolution 2218 (2015) (ibid., paras. 88 and 91).

10. The Security Council considered the report of the Secretary-General on the situation concerning Western Sahara and adopted resolution 2285 (2016) on 29 April 2016. In the resolution, the Security Council regretted that the ability of MINURSO to fully carry out its mandate had been affected, as the majority of its civilian component, including political personnel, could not perform their duties within the Mission's area of operations, and emphasized the urgent need for MINURSO to return to full functionality. The Council also called upon the parties to continue negotiations under the auspices of the Secretary-General, without preconditions and in good faith, taking into account the efforts made since 2006 and subsequent developments, with a view to achieving a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations. The Council reaffirmed its commitment to assist the parties in this regard and noted the role and responsibilities of the parties in this respect.

III. General Assembly

11. During the reporting period, in addition to its resolution on the universal realization of the right of peoples to self-determination (resolution 70/143), the General Assembly adopted a number of resolutions in which it directly addressed this issue. The resolutions concern Non-Self-Governing Territories, the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination and the right of the Palestinian people to self-determination. In addition, in its resolution 70/149, the General Assembly affirmed that a democratic and equitable international order requires, inter alia, the realization of the right of all peoples to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development.

A. Non-Self-Governing Territories

12. Common article 1.3 of the International Covenant on Civil and Political Rights and of the International Covenant on Economic, Social and Cultural Rights makes specific reference to States parties having responsibility for the administration of Non-Self-Governing and Trust Territories and requires that they promote the realization and respect of the right of self-determination, in conformity with the provisions of the Charter of the United Nations.

13. In its resolution 70/95, the General Assembly reaffirmed the right of the peoples of the Non-Self-Governing Territories to self-determination and their right to the enjoyment of their natural resources and to dispose of those resources in their best interest. It also reaffirmed the responsibility of the administering Powers under the Charter to promote the political, economic, social and educational advancement of the Non-Self-Governing Territories. The Assembly expressed its concern about activities aimed at the exploitation of the natural resources that are the heritage of the peoples of the Non-Self-Governing Territories, including the indigenous populations, in the Caribbean, the Pacific and other regions, and of their human resources, to the detriment of their interests, and in such a way as to deprive them of their right to dispose of those resources. In its resolution 70/96, the Assembly reaffirmed that the recognition by United Nations organs of the legitimacy of the aspirations of the peoples of the Non-Self-Governing Territories to exercise their right to self-determination entailed, as a corollary, the extension of all appropriate assistance to those peoples. In its resolution 70/231, it requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to seek suitable means for the immediate and full implementation of the Declaration and to carry out the actions approved by the Assembly regarding the Second and Third International Decades for the Eradication of Colonialism in all territories that had not yet exercised their right to self-determination.

14. In its resolution 70/98 on the question of Western Sahara, the General Assembly expressed support for the process of negotiations initiated by the Security Council to achieve a just, lasting and mutually acceptable political solution, which would provide for the self-determination of the people of Western Sahara, and commended the efforts undertaken by the Secretary-General and his Personal Envoy for Western Sahara in that respect.

15. In its resolution 70/99 on the question of New Caledonia, the General Assembly expressed the view that adequate measures for conducting the consultations on access to full sovereignty, including a just, fair, credible and transparent electoral roll, as provided in the Nouméa Accord were essential for the conduct of a free, fair and genuine act of self-determination consistent with United Nations principles and practices. In this regard, it called upon the administering Power to consider developing an education programme to inform the people of New Caledonia about the nature of self-determination so that they may be better prepared to face a future decision on the matter. The Assembly urged all the parties involved, in the interest of the people of New Caledonia and within the framework of the Nouméa Accord, to maintain their dialogue in a spirit of harmony and mutual respect in order to continue to promote a framework for the peaceful progress of the Territory towards an act of self-determination in which all options were open and which would safeguard the rights of all sectors of the population, based on the principle that it is for the populations of New Caledonia to choose how to determine their destiny.

16. In its resolution 70/100 on the question of French Polynesia, the General Assembly reaffirmed that it was ultimately for the people of French Polynesia to determine freely their future political status. The Assembly called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of French Polynesia of their right to self-determination, and to intensify its dialogue with French Polynesia in order to facilitate rapid progress towards a fair and effective self-determination process, under which the terms and timelines for an act of self-determination would be agreed.

17. Self-determination issues were also raised in relation to Tokelau. In its resolution 70/101, the General Assembly noted the intention of the Territory to further review its National Strategic Plan in order to determine development and other priorities beyond 2015, including consideration of the issue of self-determination and how the Territory would address a possible referendum on self-determination in cooperation with the administering Power.

18. In its resolution 70/102 on the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands, the General Assembly reaffirmed that, in the process of decolonization, there was no alternative to the principle of self-determination, which was also a fundamental human right, and that it was ultimately for the peoples of the Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter of the United Nations, the Declaration on the Granting of Independence to Colonial Countries and Peoples and relevant resolutions of the General Assembly. It reiterated its long-standing call for the administering Powers, in cooperation with the territorial Governments and appropriate bodies of the United Nations system, to develop political education programmes for the Territories in order to foster awareness among the people of their right to self-determination in conformity with the legitimate political status options.

19. In this regard, the General Assembly reiterated its request that the Human Rights Committee collaborate with the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, within the framework of its mandate on the right to self-determination as contained in the International Covenant on Civil and Political Rights, with the aim of exchanging information.

B. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

20. In its resolution 70/142, the General Assembly condemned mercenary activities in developing countries, in particular in areas of conflict, and the threat they posed to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination. It stressed the importance for the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities. It called on OHCHR to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and to render advisory services to affected States, as appropriate.

C. The right of the Palestinian people to self-determination

21. The right of the Palestinian people to self-determination, including the right to their independent State of Palestine, was reaffirmed by the General Assembly in its resolution 70/141. The Assembly also urged States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.[1]

22. In its resolution 70/12, the General Assembly, having considered the report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, requested the Committee, inter alia, to continue to exert all efforts to promote the realization of the inalienable rights of the Palestinian people, including their right to self-determination.

23. The economic aspect of the right to self-determination, namely, the right of peoples to sovereignty over their natural resources, was reaffirmed by the General Assembly with regard to the Palestinian people in its resolution 70/225.

IV. Economic and Social Council

24. In resolution 2015/16, the Economic and Social Council recommended a number of measures that specialized agencies and international institutions associated with the United Nations should adopt in support of Non-Self-Governing Territories. The Council reaffirmed that the recognition by the General Assembly,

[1] The General Assembly also called for the realization of the Palestinian people's human rights, including the right to self-determination, in resolution 70/15, para 21; resolution 70/87, preambular paragraph 18; and resolution 70/90, para. 16.

the Security Council and other United Nations organs of the legitimacy of the aspirations of the peoples of the Non-Self-Governing Territories to exercise their right to self-determination entailed, as a corollary, the extension of all appropriate assistance to those peoples, on a case-by-case basis.

V. Human Rights Council

A. Resolutions

25. At its twenty-ninth session, held from 15 June to 3 July 2015, the Human Rights Council adopted resolution 29/15 on human rights and climate change. The Council emphasized that the adverse effects of climate change had a range of implications, both direct and indirect, for the effective enjoyment of human rights, including for the right to self-determination.

26. At its thirtieth session, held from 14 September to 2 October 2015, the Human Rights Council adopted resolution 30/6 on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. The Council condemned mercenary activities and the threat they posed to the integrity of and respect for the constitutional order of countries and the exercise of the right to self-determination. It also urged all States to take the necessary steps and to exercise the utmost vigilance against the threat posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, were not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination.

27. In its resolution 30/2 on human rights and unilateral coercive measures, adopted at the same session, the Human Rights Council reaffirmed the right of all peoples to self-determination, by virtue of which they freely determine their political status and freely pursue their own economic, social and cultural development.

28. At its thirty-first session, held from 29 February to 24 March 2016, the Human Rights Council addressed the question of the realization of the right of the Palestinian people to self-determination in its resolutions 31/33, 31/34 and 31/36. In its resolution 31/33, the Council reaffirmed the inalienable, permanent and unqualified right of the Palestinian people to self-determination, including their right to live in freedom, justice and dignity and the right to their independent State of Palestine. It confirmed that the right of the Palestinian people to permanent sovereignty over their natural wealth and resources must be used in the interest of their national development, the well-being of the Palestinian people and as part of the realization of their right to self-determination, and urged all States to adopt measures as required to promote the realization of the right to self-determination of the Palestinian people and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of this right.

29. In its resolution 31/34, the Human Rights Council stressed the need for Israel to withdraw from the Palestinian territory occupied since 1967, including East Jerusalem, so as to enable the Palestinian people to exercise their universally recognized right to self-determination. In its resolution 31/36, the Council further called upon Israel, the occupying Power, to put an end to all of the human rights violations linked to the presence of settlements, especially of the right to self-determination, and to fulfil its international obligations to provide effective remedy for victims.

B. Special procedures

30. In her report to the seventieth session of the General Assembly, the Special Rapporteur of the Human Rights Council on the rights of indigenous peoples addressed the impact of international investment and free trade agreements on the human rights of indigenous peoples. In this regard, the Special Rapporteur stated that the inability of indigenous peoples to contribute to the drafting of legal agreements that affect them was a violation of their right to self-determination, as provided for in article 3 of the United Nations Declaration on the Rights of Indigenous Peoples (see A/70/301, para. 37). In her report to the thirtieth session of the Human Rights Council, she noted that self-determination was a cornerstone of the Declaration and was defined as both a choice to determine political status and the right to have autonomy over economic, social and cultural development. She considered that self-determination was a right in itself and that it had been conceptualized as a precondition for the fulfilment of other rights. She further highlighted violations of the broad right to self-determination of indigenous peoples that were historically and currently endemic, including gross and sustained assaults on the cultural integrity of indigenous peoples, denigration and non-recognition of customary laws and governance systems, the failure to develop frameworks that allow indigenous peoples appropriate levels of self-governance and practices that strip indigenous peoples of autonomy over land and natural resources (see A/HRC/30/41, paras. 11 and 12). She recommended, inter alia, that States balance respect for the right to self-determination of indigenous communities with their responsibility to protect indigenous women and girls in their capacity as national citizens and rights-bearers (ibid., para. 79 (c)).

31. The Expert Mechanism on the Rights of Indigenous Peoples presented its summary of responses to the questionnaire seeking the views of States and indigenous peoples on best practices regarding possible appropriate measures and implementation strategies to attain the goals of the United Nations Declaration on the Rights of Indigenous Peoples (A/HRC/30/54) to the Human Rights Council at its thirtieth session. In particular, the summary provides details on the responses from States regarding specific legislative, policy or administrative measures relating to self-determination and autonomy.

32. In his report to the Human Rights Council of 8 July 2015, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes stated that protecting the ability of individuals to exercise consent to having hazardous substances enter their bodies is indivisible, interdependent and interrelated to numerous human rights, including, among others, the rights to self-determination, human dignity and health as well as freedom from discrimination. He also stated that indigenous

peoples have the right to give their free, prior and informed consent about the exploitation of resources on their land and about the storage and disposal of hazardous substances in their lands or territories and other rights that require information about hazardous substances (see A/HRC/30/40, paras. 27 and 28).

33. In its report to the General Assembly of 2 November 2015, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination recalled that, initially, the right of peoples to self-determination had developed in the context of Non-Self-Governing territories and peoples who were subjected to alien subjugation, domination and exploitation in such a way as to create a legal right to independence. It noted, however, that in its contemporary manifestation, the right of peoples to self-determination encompasses political struggles for greater democracy and human rights, in particular as a manifestation of the so-called internal right to self-determination, as distinct from the external right to self-determination in the sense of a legal right to independence. The Working Group noted that foreign fighters did not inevitably impede the right to self-determination and that foreign fighters might be motivated to join a non-State armed group to help them exercise the right to self-determination, or fight on behalf of armed groups claiming to exercise this right (see A/70/330, paras. 37, 38 and 40).

34. The Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights presented a report to the Human Rights Council in which he considered, inter alia, how to eliminate or mitigate the negative impact of unilateral coercive measures on human rights and to provide redress for victims and guidance as provided by international law, human rights law and humanitarian law. He stated that the most obvious answer was to renounce unilateral coercive measures as a tool of foreign policy in recognition of the overarching principle of self-determination proclaimed in article 1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (see A/HRC/30/45). In his report to the General Assembly, the Special Rapporteur noted that respect for self-determination is germane to the rule establishing that no State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind (see A/70/345, para. 28).

VI. Human rights treaty bodies

35. Article 1, paragraph 1, of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural rights affirms the right of all peoples to self-determination. It is in this context that the right to self-determination has been addressed by the Human Rights Committee[2] and the Committee on Economic, Social and Cultural Rights in their consideration of the periodic reports of States parties. The relevant concluding observations adopted during the period under review are highlighted below.

[2] See also Human Rights Committee, general comment No. 12 (see HRI/GEN/1/Rev.9 (Vol. I)).

A. Concluding observations by the Human Rights Committee

36. During the reporting period, the Human Rights Committee addressed the right to self-determination, including of indigenous peoples, in two concluding observations, adopted at its 114th and 116th sessions.

37. In its concluding observations on the fourth periodic report of the Bolivarian Republic of Venezuela (CCPR/C/VEN/CO/4, para. 21), the Committee took note with satisfaction of the extensive legal framework developed by the State party in the area of indigenous peoples' rights, which included the recognition of the right to be consulted. It regretted, however, that it had not received sufficient information about the implementation of the right to prior consultation in relation to the granting of exploration and resource development licences in their territories. The Committee was concerned about the slow progress of the land demarcation process as well as about information it had received which indicated that some indigenous peoples had been victims of acts of violence committed by State and non-State actors. The Committee recommended that the country take the necessary measures to, inter alia, ensure that the necessary prior consultations are held with indigenous peoples to obtain their free, prior and informed consent before any measure is adopted or implemented that may substantively compromise their way of life and culture; to expedite and complete the demarcation of indigenous lands as soon as possible; and to provide effective protection for indigenous peoples against all acts of violence and ensure that the perpetrators of such acts are brought to justice and duly punished and that victims obtain appropriate redress.

38. In its concluding observations on Sweden (CCPR/C/SWE/CO/7, paras. 38 and 39), the Committee welcomed the commitment of Sweden to further advancing the interests of the Sami people and to realizing their right to self-determination, and acknowledged the changes in the constitutional and legal framework in this regard. It remained concerned, however, about the slow progress in concluding negotiations for the adoption of the Nordic Sami Convention, the limited resources allocated to the Sami Parliament, the scope of the duty to consult with representatives of the Sami people in connection with extractive and development projects and the difficulties faced by Sami in securing rights over lands and resources. The Committee therefore recommended that Sweden contribute efficiently to the adoption, without undue delay, of the Nordic Sami Convention; ensure that the Sami Parliament is provided with adequate resources to enable it to fulfil its mandate effectively; review existing legislation, policies and practices regulating activities that may have an impact on the rights and interests of the Sami people; and grant adequate legal aid to Sami villages in court disputes concerning land and grazing rights and provide for a suitable burden of proof in cases regarding those rights.

B. Concluding observations by the Committee on Economic, Social and Cultural Rights

39. The Committee on Economic, Social and Cultural Rights addressed relevant aspects of the right to self-determination during its fifty-sixth, fifty-seventh and fifty-eighth sessions in its concluding observations on Guyana, Iraq, Morocco, Kenya, Namibia, Angola, Honduras and Sweden with respect to the rights of indigenous peoples.

40. In its concluding observations on the report of Guyana (see E/C.12/GUY/CO/2-4, paras. 14-17), the Committee welcomed the adoption of the Amerindian Act, 2006, but remained particularly concerned at the limitations of the Act, including the broad range of exceptions that allowed mining and logging activities by external investors without the free, prior and informed consent of the affected indigenous peoples and the absence of effective legal remedies by which indigenous peoples may seek and obtain restitution of their lands that are held by third parties. The Committee therefore recommended that Guyana ensure that the Amerindian people's rights to their lands, territories and resources are fully recognized and protected and that their free, prior and informed consent is obtained in respect of the adoption of any legislation, policy and/or project affecting their lands or territories and other resources. The Committee was also concerned about the problems faced by Amerindian people in obtaining their land titles, including delays in the process, lack of inspections, and court rulings that support mining activities without obtaining the free, prior and informed consent of the affected communities, and made recommendations in this regard.

41. In its concluding observations on the report of Iraq (see E/C.12/IRQ/CO/4, paras. 13 and 14), the Committee expressed concern about the persistence of land disputes between Assyrians and the Kurdistan Regional Government and recommended that Iraq take measures to resolve the disputes and to put an end to the frequent expropriation of lands belonging to Assyrians for investment purposes. It also called on Iraq to ensure that judicial decisions ordering the return of lands to Assyrians were enforced.

42. In its concluding observations on the report submitted by Morocco (see E/C.12/MAR/CO/4, paras. 5 and 6), the Committee reiterated its concern about the failure to find a solution to the issue of the right self-determination of Western Sahara, the precarious situation of Sahraouis refugees upon their return and the fact that the Sahraouis' right to participate in the use and exploitation of natural resources still was not respected. The Committee recommended that Morocco strengthen its efforts to find a solution to the dispute regarding Western Sahara, under the auspices of the United Nations and take measures to ensure that the rights of Sahraouis refugees were respected upon their return, that respect for the principle of prior, free and informed consent was guaranteed in relation to the Sahraouis and that the Sahraouis were able to exercise their right to enjoy and utilize fully and freely their natural wealth and resources.

43. In its concluding observations on the report of Kenya (see E/C.12/KEN/CO/2-5, paras. 13-16), the Committee expressed its regret that negotiations for the economic partnership agreement between the East African Community States and the European Union had not been preceded by an assessment of its impact on the enjoyment of economic, social and cultural rights, and recommended that Kenya seize the opportunity of the consultations that would take place prior to ratification to identify such negative impacts and adopt the measures necessary to mitigate them. It also expressed its concern that the implementation of the decision of the African Commission on Human and Peoples' Rights relating to the Endorois had been long delayed, despite acceptance of the decision of the Commission. While noting the establishment of the task force on the implementation of the decision, it regretted that the Endorois were not represented on the task force and had not been sufficiently consulted on its work. The Committee therefore recommended that the State party implement the decision without further delay and ensure that the

Endorois are adequately represented and consulted at all stages of the implementation process, and that a mechanism be set up, with the active participation of the Endorois, to facilitate and monitor implementation.

44. In its concluding observations on the report of Namibia (see E/C.12/NAM/CO/1, paras. 15 and 16), the Committee expressed concern that the legislation of Namibia did not recognize communities that had self-identified as indigenous peoples and that indigenous peoples' traditional uses and occupation of land were not recognized and protected. It therefore recommended, inter alia, that Namibia adopt remedial legislation and ensure the respect of the principle of obtaining free, prior and informed consent in development projects.

45. In its concluding observations on the report of Angola (see E/C.12/AGO/CO/4-5, paras. 19 and 20), the Committee expressed concern that the State party did not recognize indigenous peoples living in its territory. It also expressed concern about reported discrimination in access to food, water, health and education experienced by indigenous peoples, combined with an inadequate response from the State party. The Committee was further concerned that development activities were impeding indigenous peoples from accessing their lands, and about the lack of a legal framework for consultation with the affected communities prior to embarking on such activities. The Committee therefore recommended, inter alia, that Angola adopt legislation to recognize the status of indigenous peoples living in Angola and guarantee their rights, adopt specific measures to improve access to social services by indigenous peoples and ensure that licensing agreements with businesses provide for adequate compensation of the affected communities and that the free, prior and informed consent of indigenous peoples is sought before granting licences to businesses for economic activities on territories traditionally owned, occupied or otherwise used by indigenous people.

46. In its concluding observations on the report of Honduras, the Committee expressed concern about reports of the breach of the right to prior consultation to obtain free, prior and informed consent of indigenous peoples in relation to decisions that may affect them. Concern was also expressed about the fact that often their opinion was not taken into account when permits were granted for the exploitation of natural resources or other development projects. The Committee noted with concern that, despite the efforts made by the State party regarding the demarcation of indigenous lands, the protection of the right of indigenous peoples to freely dispose of their lands, natural wealth and resources was limited. The Committee recommended that the State party systematically consult indigenous peoples in order to obtain their free, prior and informed consent with regard to decisions that may affect their economic, social and cultural rights and ensure that their opinions are respected. It also recommended that the State party make additional efforts to guarantee the right of indigenous peoples to freely dispose of their lands, territories and natural resources.

47. In its concluding observations on the report of Sweden (see E/C.12/SWE/CO/6, paras. 13 and 14), the Committee expressed concern that the Sami people still encountered obstacles to the full enjoyment of their indigenous rights, including access to their ancestral lands and maintenance of their traditional ways of living. It noted that this situation was further exacerbated by the increase in extractive and development projects carried out on or near Sami lands. It therefore recommended that Sweden redouble its efforts to resolve the remaining disputes related to Sami

lands, in particular by ensuring that all Sami enjoy equal access to water and land, by reconsidering its position on the burden of proof in court cases concerning Sami land rights, by ensuring, in law and in practice, that necessary efforts are made to obtain the free, prior and informed consent of all Sami people on decisions that affect them and providing legal assistance in that regard, and by reviewing relevant legislation, policies and practices regulating activities that may have an impact on the rights and interests of the Sami people.

VII. Regional organizations

A. Africa

48. On 6 April 2016, the Peace and Security Council of the African Union adopted a decision on the situation in Western Sahara, in which it, inter alia, welcomed the visit of the Secretary-General to Western Sahara in March 2016, noted with deep concern the acute humanitarian situation in which the people of Western Sahara were living, and urged the Security Council to reaffirm the mandate of MINURSO, including the organization of a referendum for self-determination of the people of Western Sahara.[3]

49. The African Union also launched Agenda 2063, its strategic framework for the socioeconomic transformation of the continent over the next 50 years, as well as the first 10-year plan for its implementation, which seeks to accelerate Africa's political, social, economic and technological transformation, while continuing the Pan-African drive for self-determination.[4]

B. Americas

50. The American Declaration on the Rights of Indigenous Peoples was adopted on 15 June 2016 during the forty-sixth regular session of the General Assembly of the Organization of American States, after 17 years of negotiations. The Declaration recognizes the fundamental right of indigenous peoples to self-determination, to their ancestral territories and to consultation and free, prior and informed consent.[5]

51. The Inter-American Commission on Human Rights released a report on 31 December 2015 regarding human rights protection in the context of extraction, exploitation and development activities, particularly with regard to indigenous peoples, Afro-descendent communities and natural resources.[6] In the report it was noted that the full effectiveness of the right to self-determination was closely related to the exercise of other specific rights of indigenous peoples that guarantee their existence as peoples, among which the right to integrity and cultural identity had a central place. It was further stated that another essential element of the right to

[3] See http://www.peaceau.org/en/article/the-588th-meeting-of-the-au-peace-and-security-council-on-the-situation-in-in-western-sahara.

[4] See http://www.au.int/en/agenda2063.

[5] See http://www.oas.org/en/iachr/media_center/PReleases/2016/082.asp.

[6] See Inter-American Commission on Human Rights, *Indigenous Peoples, Afro-Descendent Communities and Natural Resources: Human Rights Protection in the Context of Extraction, Exploitation and Development* Activities (2015), para. 239. Available from http://www.oas.org/en/iachr/reports/pdfs/ExtractiveIndustries2016.pdf.

self-determination was the relationship that indigenous peoples have with their lands, territories and natural resources, which is for indigenous peoples a basis for cultural identity, knowledge and spirituality and, in the words of the Inter-American Court of Human Rights, "a necessary condition for reproduction of their culture, for their own development and to carry out their life aspirations".[7]

C. Europe

52. The Council of the European Union, in a statement issued on 20 July 2015, reaffirmed the commitment of the European Union to a just and comprehensive resolution of the Israeli-Palestinian conflict, based on the two-State solution, with the State of Israel and an independent, democratic, contiguous, sovereign and viable State of Palestine, living side by side in peace and security and mutual recognition.[8]

VIII. Conclusions

53. The right of peoples to self-determination is enshrined in article 1 of both the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which states that all peoples have the right of self-determination and that by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

54. The General Assembly remained active during the reporting period on the right to self-determination, including in the context of the launch of the Sustainable Development Goals in September 2015. In launching the Goals, the General Assembly called for further effective measures and actions to be taken, in conformity with international law, to remove the obstacles to the full realization of the right to self-determination of peoples living under colonial and foreign occupation, which continue to adversely affect their economic and social development as well as their environment (see resolution 70/1, para. 35). As outlined in the present report, the General Assembly also addressed the right to self-determination through a number of resolutions dealing in particular with the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination. It was joined by other major organs of the United Nations, including the Security Council and the Human Rights Council.

55. The human rights treaty bodies continued to elaborate the right to self-determination through their jurisprudence, in particular through concluding observations on the periodic reports submitted by States parties to relevant treaties. In particular, the Committee on Economic, Social and Cultural Rights made suggestions regarding legislation and policies of States from all regions which may serve as useful guidance for all States seeking to fulfil their obligations under international law to ensure respect for the right to self-determination.

[7] See Inter-American Court of Human Rights, *Yakye Axa Indigenous Community v. Paraguay*, Merits, reparations and costs, Judgment of 17 June 2005, para. 146.

[8] See http://www.consilium.europa.eu/en/press/press-releases/2015/07/20-fac-mepp-conclusions/.

56. During the reporting period, special procedures of the Human Rights Council also discussed the implementation of the right to self-determination, in particular as regards the impact of international investment and free trade on the human rights of indigenous peoples and in connection with hazardous substances.

57. All States have an obligation to promote the realization of the right to self-determination and to respect that right, in conformity with the provisions of the Charter of the United Nations. In addition, as noted by the Human Rights Committee in relation to the International Covenant on Civil and Political Rights, the current 168 States parties to the Covenant should take positive action to facilitate realization of and respect for the right of peoples to self-determination.[9] Such positive action must be consistent with the obligations of States under the Charter and international law. In particular, States must refrain from interfering in the internal affairs of other States and thereby adversely affecting the exercise of the right to self-determination. Beyond doubt, the effective implementation of the right to self-determination will contribute to greater enjoyment of human rights, peace and stability.

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[9] See Human Rights Committee, general comment No. 12, para. 6 (see HRI/GEN/1/Rev.9 (Vol. I)); see also Committee on the Elimination of Racial Discrimination, general recommendation XXI, para. 3 (see HRI/GEN/1/Rev.9 (Vol. II)).